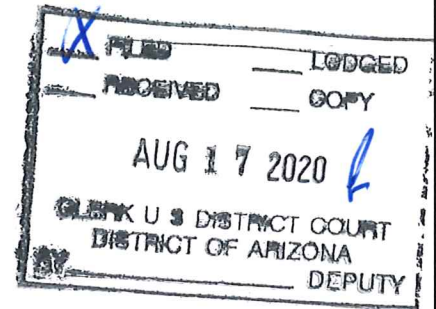


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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

COMPLAINT

CV20-01615-PHX-DGC

BASIS FOR JURISDICTION:

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in Federal Court: **cases** involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. §1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. §1332, A CASE IN WHICH A CITIZEN OF ONE State sues a citizen of another state and amount at stake is more than \$75,000 is a diversity of citizenship case.

COURT JURISDICTION:

x Federal Question: - R.I.C.O. Act

Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §1961
18 U.S.C. §1503 Relating to obstruction of justice
18 U.S.C. §1343 Mail, Wire, and Bank Fraud
18 U.S.C. §201 Relating to bribery
18 U.S.C. §471 Relating to counterfeiting
18 U.S.C. §1511 Relating to obstruction of state and local Law enforcement
42 U.S.C. §274e Prohibition of Organ Purchases

1 **STATEMENT OF THE CLAIM:**

2 Dear Honorable Court: I am bringing this new case to Arizona because I cannot find
 3 fairness or justice in New York for my murdered 11-year old daughter, Briana. Murdered by the
 4 negligence of **NYPD POLICE OFFICER ALFONSO MENDEZ, BADGE #7899** on August
 5 27, 2010. He failed to perform CPR on my daughter who was having an asthma attack and as a
 6 result of his negligence my daughter died that day. A failure to behave with the level of care that
 7 someone of ordinary prudence would have exercised under the same circumstances. The behavior
 8 usually consists of actions, but can also consist of omissions when there is some duty to act (e.g.,
 9 a duty to help victims of one's previous conduct). Primary factors to consider in ascertaining
 10 whether the person's conduct lacks reasonable care are the foreseeable likelihood that the person's
 11 conduct will result in harm, the foreseeable severity of any harm that may ensue, and the burden
 12 of precautions to eliminate or reduce the risk of harm. See Restatement (Third) of Torts: Liability
 13 for Physical Harm § 3 (P.F.D. No. 1, 2005). Negligent conduct may consist of either an act, or an
 14 omission to act when there is a duty to do so. See Restatement (Second) of Torts § 282 (1965).

15 Four elements are required to establish a prima facie case of negligence:

- 16 • The existence of a legal duty that the defendant owed to the plaintiff
- 17 • Defendant's breach of that duty
- 18 • Plaintiff's sufferance of an injury
- 19 • Proof that defendant's breach caused the injury (typically defined through proximate
- 20 cause)

21
 22 **Determining a Breach**

23 When determining how whether the defendant has breached a duty, courts will usually use
 24 the Hand Formula (created by Judge Learned Hand in *United States v. Carroll Towing*).

25 It is a known fact based on all Police Officers in New York State and nationwide that they
 26 are licensed Public Servants, Public Officers, and Notary Publics. Their sworn duty is to perform
 27 life-saving to the public prior to being licensed to become a Police Officer. Not only was Police
 28 Officer Mendez responsible for the death of Briana Ojeda but also there was municipal liability

1 on the part of the **NEW YORK POLICE DEPARTMENT (NYPD), THE CITY OF NEW**
 2 **YORK, STATE OF NEW YORK, and MAYOR BILL de BLASIO** all engaged in a
 3 conspired cover-up and Ponzi scheme the size of Watergate.

4 **EXHIBIT A-1** shows INTERNAL AFFAIRS BUREAU given documentation of
 5 POLICE OFFICER MENDEZ's Physical Training and Tactics Department, **EXHIBIT A-2**
 6 Recruit Evaluation that shows **POLICE OFFICER MENDEZ** as scoring 80 points on his CPR
 7 exam and 90 on his First Aid knowledge. **EXHIBIT A-3** shows Page 37 from the deposition
 8 revealing that MENDEZ failed to inform his precinct what had happened that a girl died under
 9 his watch from his negligence and he didn't think about it. That is why we are asking for the death
 10 penalty in this case. **EXHIBIT A-4** shows Internal Affairs letter to Carmen dated January 26,
 11 2011 prior to when the Summons and Complaint was entered into the court system on August 25,
 12 2011. *18 U.S.C. §1510 Relating to obstruction of criminal investigation*

13 What this means is that the Notice of Claim written by BONITA E. ZELMAN dated
 14 October 30, 2010 was the starting document (**EXHIBIT B**) to the CITY OF NEW YORK's
 15 COMPTROLLER, LEGAL DEPARTMENT, AND POLICE COMMISSIONER counterfeit
 16 R.I.C.O. system. **18 U.S. Code §1001 and §14702 False statement or entry entered - Making**
 17 **False Statements; 18 U.S. Code § 1346 Scheme or artifice to Defraud" includes a scheme or**
 18 **artifice to deprive another of the intangible right of honest services, 18 U.S.C. §471 Relating**
 19 **to counterfeiting, 18 U.S.C. §1503 Relating to obstruction of justice, 18 U.S.C. §1964 Civil**
 20 **Remedies - Federal Jurisdiction, 18 U.S.C. §1952 Relating to Racketeering, and 18 U.S. Code**
 21 **§ 1957 Engaging in monetary transactions in property derived from specified unlawful**
 22 **activity.**

23 According to Civil Practice Law and Rules, CPLR § 304 starts a civil case with a
 24 document called the Summons and Complaint in New York State Supreme Court. Attorney
 25 **BONITA E. ZELMAN** failed to perform that duty and instead filed a Notice of Claim sent
 26 directly to the COMPTROLLER and LEGAL COUNSEL for the CITY OF NEW YORK, and
 27 NEW YORK CITY POLICE DEPARTMENT POLICE COMMISSIONER RAYMOND
 28 KELLY at One Police Plaza in New York City to be the only parties to receive her message so that

1 this case could be put into the counterfeit system of Racketeering Influenced Corrupt
 2 Organization or R.I.C.O. Act that the CITY OF NEW YORK owns and operates with oversight
 3 from MAYOR BILL de Blasio. **18 U.S.C. § 1952 Relating to Racketeering and 18 U.S. Code**
 4 **§ 1957 Engaging in monetary transactions in property derived from specified unlawful**
 5 **activity.**

6 **BONITA E. ZELMAN** sent this nine-page Notice of Claim on October 30, 2010 after
 7 she received a signed retainer on or about August 27, 2010. **BONITA E. ZELMAN** failed her
 8 duties as a licensed attorney by the State of New York to immediately start the summons and
 9 complaint for the plaintiffs, my wife Carmen and myself. **ZELMAN** met us at our daughter's
 10 wake on August 27, 2010. **ZELMAN** brought them into a televised press gathering in order to
 11 find out the name of the Police Officer responsible for Briana Ojeda's death who failed to give
 12 her CPR. On camera, **BONITA E. ZELMAN** demanded the resignation of Police
 13 Commissioner Raymond Kelly of New York City because "every police car has G.P.S." as to why
 14 Police Commissioner Raymond Kelly had not informed **ZELMAN** as to the name of the Police
 15 Officer in question.

16 What happened next uncovered the biggest counterfeiting and **Racketeering Influenced**
 17 **Corruption Organization Ring R.I.C.O.** of the **CITY OF NEW YORK, SUPREME**
 18 **COURT OF KINGS COUNTY CLERK'S OFFICE, COURT ADMINISTRATION,**
 19 indicted **EX-JUDGE SYLVIA ASH, Judge DAWN JIMENEZ-SALTA, Attorney BONITA**
 20 **E. ZELMAN, Attorney SETH HARRIS of BURNS & HARRIS, CORPORATION**
 21 **COUNSEL OF THE CITY OF NEW YORK, STATE OF NEW YORK and MAYOR**
 22 **BILL de BLASIO** and their failure to abide by any and all governmental laws and the 14th
 23 Amendment Due Process law to follow required procedural law on the books. This is treason at
 24 the highest level. **18 U.S. Code § 2384 Seditious conspiracy** If two or more persons in any State
 25 or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow,
 26 put down, or to destroy by force the Government of the United States, or to levy war against them,
 27 *or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution*
 28 *of any law of the United States, or by force to seize, take, or possess any property of the United*

1 States, contrary to the authority thereof, they shall each be fined under this title or imprisoned not
2 more than twenty years, or both.

3 **18 U.S. Code § 2381 Treason** - Whoever, owing allegiance to the United States, levies
4 war against them or adheres to their enemies, giving them aid and comfort within the United States
5 or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five
6 years and fined under this title but not less than \$10,000; and shall be incapable of holding any
7 office under the United States. (June 25, 1948, ch. 645, 62 Stat. 807; Pub. L. 103-322, title
8 XXXIII, § 330016(2)(J), Sept. 13, 1994, 108 Stat. 2148.)

9 The Notice of Claim was sent on October 30, 2010, **EXHIBIT B** that was not sent to the
10 Supreme Court but to the COMPTROLLER OF NEW YORK CITY, the Attorney for the CITY
11 OF NEW YORK called CORPORATION COUNSEL, and NEW YORK CITY POLICE
12 DEPARTMENT POLICE COMMISSIONER RAYMOND KELLY - without any case number
13 stamped on it, as is required for any legal document entering into the Supreme Court in the
14 STATE OF NEW YORK. This however, was sent directly to the CITY OF NEW YORK
15 counterfeit system shown by documentation to be bypassing the laws of the United States and the
16 State of New York and be that of Racketeering Influenced Corruption Organization R.I.C.O.
17 greater than the world itself. **18 U.S.C. §1952 Relating to Racketeering.**

18 **EXHIBIT C, D, E, F, and G-2** shows a parallel numerical system that reveals that the
19 **CITY OF NEW YORK** is running a Ponzi Scheme and its own version of a court system -
20 outside of the law -so that money can be controlled and not paid according to Negligence Law
21 for the **CITY OF NEW YORK** - saving Billions and Trillions of Dollars going instead to
22 **MAYOR BILL de BLASIO** and Governor Andrew Cuomo's pockets directly.

23 In fact it is Racketeering Influenced Corrupt Organization **18 U.S.C. §471 counterfeiting,**
24 **18 U.S.C. §1343 wire fraud, and R.I.C.O. -18 U.S.C. §1952 Relating to Racketeering** that
25 shows the evidence of this case in five (5) documents listing the same separate numerical system
26 and at the same time using the "official" **SUPREME COURT OF KINGS COUNTY**, Case
27 #19542/2011 as the following numbers, clearly starting with **EXHIBIT C: Note of Issue -**
28 **BURNS & HARRIS**, second attorney with second **JUDGE JIMINEZ-SALTA** with Affidavit

1 of Service dated 11/21/14. Note that the first judge had issued her final verdict in her decision
 2 (**EXHIBIT N**) on January 25, 2013. From there the case was brought back to life with a new
 3 judge, as follows:

4 **2010 - 043101**
 5 **SLU - A.DAVID**
 6 **SLU - A.DAVID**

7 Following in these other documents the same information as well as the case number
 8 showing all who have entered the number system know it is counterfeit and have conspired in
 9 secret as is required by the CITY OF NEW YORK. They are:

10 **EXHIBIT D:** Motion at **IAS Part 20** on Cal with Judge on November 17, 2014 with
 11 Judge Jiminez-Salta.

12 **EXHIBIT E:** Order from **IAS Part 20** Kings County Clerk's Office Judge Wayne Saitta
 13 filed January 30, 2015.

14 **EXHIBIT F:** Summons Cover Page dated August 26, 2011 - from Bonita E. Zelman

15
 16 In addition to this counterfeit system, another document **EXHIBIT G** shows the Achilles
 17 heel of the **CITY OF NEW YORK** and the biggest R.I.C.O. Act and sedition there is - **18 U.S.**
 18 **Code § 2381 Treason and 18 U.S. Code § 2384 Seditious conspiracy.** While **BONITA E.**
 19 **ZELMAN** was supposed to represent our interests there is a Stipulation from the first
 20 Preliminary Conference from later indicted ex-judge **SYLVIA ASH** that states: "**City as reserve**
 21 **the right to move bifurcate for dismissal the Monell claims within 60 days**" signed by **BONITA**
 22 **E. ZELLMAN** on April 5, 2012.

23 **EXHIBIT G-2** was the first page of the Preliminary Conference Order that was to be
 24 under ex-indicted Judge **SYLVIA ASH**, signed NOT by assigned Judge SYLVIA ASH but a
 25 completely new judge, that of Judge Richard Velasquez - R.I.C.O. of the Preliminary Conference,
 26 indicted ex-judge Sylvia Ash. **18 U.S. Code § 225 Continuing financial crimes enterprise, 18**
 27 **U.S.C. §1343 Wire Fraud & Mail Fraud, 18 U.S.C. §1951 relating with interference with**
 28 **commerce, robbery, or extortion.**

1 The statement, "*City as reserve the right to move bifurcate for dismissal the Monell*
 2 *claims within 60 days*" means is that behind closed doors this case would go into 2 branches or
 3 forks - that it already did - that refuses to recognize New York State Tort or Negligence Law when
 4 it comes to any employee or agency of the CITY OF NEW YORK.

5 A **Monell claim** would save the CITY OF NEW YORK Billions because it erases any and
 6 all State law and negligence claims in New York State. It states that unless a federal law is at issue,
 7 no action nor claim can be made that the CITY OF NEW YORK or any of its agencies have to pay
 8 for any liabilities of its employees. This is ridiculous! Only the CITY OF NEW YORK is above
 9 the law? That is against State and Federal Law and is **18 U.S. Code § 2381 Treason, 18 U.S.**
 10 **Code § 2384 Seditious conspiracy and 18 U.S.C. §1503 Relating to obstruction of justice.**

11 New York is "not" a country, but a State residing in that country of the United States and
 12 as such MUST abide by the laws of the United States. The 14th Amendment to the United States
 13 Constitution guarantees DUE PROCESS of laws that are on the books by legislative bodies.
 14 Procedural due process, based on principles of "fundamental fairness," addresses which legal
 15 procedures are required to be followed in state proceedings. Overturning the Constitutional
 16 freedom and 14th Amendment - due process to bring a case that would be treated fairly into
 17 Supreme Court of Kings County is a very serious charge. It is overthrowing the government or
 18 sedition. **10 U.S. Code § 894 - Art. 94. Mutiny or sedition. 10 U.S.C. §894(2)** with intent to cause
 19 the overthrow or destruction of lawful civil authority, creates, in concert with any other person,
 20 revolt, violence, or other disturbance against that authority is guilty of sedition.

21 What **EXHIBIT G** also stated was the following: "City to produce IAB (INTERNAL
 22 AFFAIRS BUREAU) for POLICE OFFICER ALFONSO MENDEZ personal training,
 23 disciplinary actions for - in Carmen, inspection by court to be determined by Court 45 days from
 24 date of order." Signed and stamped SO ORDERED and the name of Hon. Richard Velasquez -
 25 another judge other than Sylvia Ash that is on the front this Preliminary Conference shown in
 26 **EXHIBIT G-2.** While it is labeled as then Judge SYLVIA ASH, she did not sign this document.
 27 **TREASON and Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961, 18**
 28 **U.S.C. §1952 Relating to Racketeering, and 18 U.S. Code § 1957 Engaging in monetary**

1 **transactions in property derived from specified unlawful activity.**

2 BONITA E. ZELMAN only showed up uninvited at the wake of our 11-year old daughter
3 on August 27, 2010. She informed me that I had received a phone call at the funeral parlor. So
4 when I took the call, a man on the phone claimed to be a police official said, "they found the
5 officer" but could not give me any more information.

6 When I hung up the phone, BONITA asked who was on the phone. Her question was
7 puzzling because we did not know who she was nor what she was talking about. I looked at
8 Carmen and told her, "they found the cop but couldn't give me his name". BONITA yelled,
9 "Come with me!" So Carmen and I walked with her to the front of the funeral parlor where she
10 addressed a gathering of the press, and demanded the resignation of Police Commissioner Ray
11 Kelly of New York City because he did not want to produce the name of the police officer
12 responsible for the death of our little girl. About a half hour later, BONITA called and said to
13 come back to where the press were because she knew the name of the officer. That is when the
14 politicians, Assembly member and Assistant Speaker of the New York State Assembly, FELIX
15 ORTIZ, assistant MITU MARUF, also known as MARUF ALAM, the Latino Police
16 Association, the leader of the Black Police Law Enforcement, and ZELMAN herself told the
17 press that the name of the police officer was **ALFONSO MENDEZ** from the 84th precinct.

18 While the case was going on, ZELMAN told Carmen and myself to focus - **not** on the
19 legal case that she represented my wife and I in - but on the political aspect of the case by going
20 with the politicians to get "Briana's Law" passed in Albany.

21 We personally campaigned on it for seven years shown in **EXHIBIT H**, which resulted in
22 Briana's Law being signed into law by Governor Andrew Mark Cuomo on August 27, 2017.
23 **EXHIBIT X** shows the Citation from New York State Assembly Felix Ortiz; Proclamation of
24 New York State Senate of the 1st year Anniversary of Briana's Law; Proclamation from New
25 York State Senate Jesse Hamilton for the one year anniversary of Briana Ojeda's Day August 27,
26 2018; gave a proclamation for Briana and change of street name to Briana Ojeda Way in Brooklyn
27 through the New York City Council.

28 BONITA E. ZELMAN still has Briana's Law video on her website in an attempt to claim

1 credit from our work.

2 During the time of the case we would speak on the phone with BONITA ZELMAN every
3 other day and she gave work assignments to both Carmen and myself without pay to do her work
4 that an investigator, secretary, or paralegal would do for pay and told us that this work that we did
5 for no pay would help our case in Supreme Court.

6 Failing to pay us wages bypassed Federal Laws that require payment for services
7 delivered. In addition to **18 U.S. Code § 1581 Peonage; obstructing enforcement**. She demanded
8 the following:

- 9 1. Told us to make flyers and go to the village basketball court to find the
10 gentleman who died at the feet of police officers who failed to give CPR. After
11 finding out who he was, told me to go to the dangerous neighborhood of East
12 New York and speak with the family because ZELMAN told me, "we would be
13 helping that family and our case - by showing NYPD failed to give CPR." What
14 she failed to mention was that through BONITA E. ZELMAN, the CITY OF
15 NEW YORK could contain all the bad press because she made us work against
16 our own interests as part of her agreement with the NEW YORK POLICE
17 DEPARTMENT and the CITY OF NEW YORK.
- 18 2. Get Briana's medical records -instead of using a HIPPA Authorization.
- 19 3. Sent Carmen and I to Brooklyn Hospital to help her doorman leave the hospital
20 because he did not speak English.
- 21 4. Asked me for a neighborhood family referral from whose daughter got
22 electrocuted by NYCHA scaffolding.
- 23 5. Told me I had to pay \$5,000 for the fuel of a doctor's plane so that he could
24 come to Albany.
- 25
26
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1 6. On call for all of her errands.

2
3 According to New York State law, all attorneys, as of 2005 are required to e-file all new
4 cases through the NYSCEF, online New York State Courts Electronic Filing part of the New
5 York State Unified Court System. **EXHIBIT I** shows that **BONITA E. ZELMAN** failed to e-file
6 any documents as there are no records for it, as of 6/17/20. ***18 U.S. Code §1001 and §14702 False***
7 ***statement or entry entered Making False Statements and 18 U.S.C. §1511 Relating to***
8 ***obstruction of state and local law enforcement.***

9 BONITA E. ZELMAN was the attorney in WebSupreme Case Detail for a new caption
10 called Torres, Carmen Rosa vs. City of New York. See **EXHIBIT J**.

11 **EXHIBIT K** shows SUPREME COURT Web SUPREME Appearance Detail starting
12 with indicted ex-judge SYLVIA ASH was on 4/5/2012. That would mean that the first preliminary
13 conference would be **eight months late instead of 45 days** or one month and one half required by
14 CPLR §8020(a) . **COURT ADMINISTRATION and SUPREME COURT OF KINGS**
15 **COUNTY** Responsible parties in the docket hijinks.

16 Web SUPREME Motion Detail is shown in **EXHIBIT L**. Ex-judge SYLVIA ASH shows
17 the case on the calendar 5/31/12 and that the judge's order correctly listed as January 25, 2013 by
18 SYLVIA ASH who was indicted in 2019 as shown in **EXHIBIT M**.

19 Indicted ex-Judge SYLVIA ASH issued her final decision on January 25, 2013 which
20 should have ended this case, since the document states that the case was dismissed - if it actually
21 followed the laws of the State of New York instead of the CITY OF NEW YORK's R.I.C.O.
22 System of injustice.

23 **EXHIBIT N** of SYLVIA ASH's Final Decision on page 9 states, "The Clerk of the Court
24 is respectfully directed to terminate Police Commissioner Kelly as a named defendant in the
25 caption. Counsel for the parties are directed to attend a compliance conference in
26 Courtroom 456 located at 360 Adams Street, Brooklyn, NY on April 9, 2013 at 10 AM. This
27 constitutes the Decision and Order of the Court. Dated stamped KINGS COUNTY CLERKS
28 OFFICE 2013 -FEBRUARY 7, 2013." SYLVIA ASH conspired with the CITY OF NEW YORK

1 to resurrect a case that was already disposed of with her decision on 1/25/13. *18 U.S. Code § 225*
 2 *Continuing financial crimes enterprise, 18 U.S. Code § 506 Counterfeiting Seals of departments*
 3 *or agencies, 18 U.S. Code CHAPTER 25—COUNTERFEITING AND FORGERY, 18 U.S.*
 4 *Code § False statement or entry entered - Making False Statements.*

5 That did not end the case. As you can see on **WebSupreme Motion Detail of EXHIBIT**
 6 **L** - it shows short form orders from SYLVIA ASH on 1/25/13 which is correct and stated it was
 7 dismissed, but somehow jumped back on the calendar that had one adjournment and the Note of
 8 Issue vacated. **SUPREME COURT OF KINGS COUNTY, COURT ADMINISTRATION,**
 9 **CITY OF NEW YORK, SYLVIA ASH, DAWN JIMENEZ-SALTA, 18 U.S. Code § 225**
 10 **Continuing financial crimes enterprise, 18 U.S. Code § 506 Counterfeiting Seals of**
 11 **departments or agencies, 18 U.S. Code CHAPTER 25—COUNTERFEITING AND**
 12 **FORGERY, 18 U.S.C. §1951 relating with interference with commerce, robbery, or**
 13 **extortion; 18 U.S. Code § 2381 Treason; 18 U.S. Code § 2384 Seditious conspiracy.**

14 I am sure it was because of this RICO set up from the **CITY OF NEW YORK** to
 15 increase our pain level from getting closure on the murder of our 11-year old daughter. This
 16 document also tried to cover up that the case was dismissed twice by two judges officially and more
 17 judges involved in signing off on paperwork.

18 After SYLVIA ASH issued her final decision on 1/25/13 in **EXHIBIT N**, the case was
 19 resurrected from the dead. It was confirmed dead when BONITA E. ZELMAN wrote the Notice
 20 of Appeal dated March 11, 2013 in **EXHIBIT O**.

21 Only after this was done, was it decided in SYLVIA ASH's courtroom **Part 20 -**
 22 **EXHIBIT N** to bring it back to life - due to *"Counsel for the parties are directed to attend a*
 23 *compliance conference in Courtroom 456 at 360 Adams Street, Brooklyn, NY on April 9, 2013*
 24 *at 10 AM.* The second judge DAWN JIMENEZ- SALTA's decision was dated June 20, 2016 held
 25 three years later, shown in **EXHIBIT P**. **SETH HARRIS of BURNS & HARRIS, Judge**
 26 **JIMENEZ-SALTA, COURT ADMINISTRATION, SUPREME COURT OF KINGS**
 27 **COUNTY CLERK'S OFFICE, THE CITY OF NEW YORK, 18 U.S.C. §471 Relating to**
 28 **counterfeiting, 18 U.S.C. §1503 Relating to obstruction of justice, 18 U.S.C. §1343 Mail,**

Wire, and Bank Fraud, 18 U.S. Code § 2381 Treason, 18 U.S. Code § 2384 Seditious conspiracy

How could the **INTERNAL AFFAIRS BUREAU** letter written on January 26, 2011 be able to perfectly follow rules stated one year later - on April 5, 2012 - if the same instructions were not given by the **CITY OF NEW YORK** and **STATE OF NEW YORK** in conspiracy with **SUPREME COURT OF KINGS COUNTY, COURT ADMINISTRATION**, indicted ex-Judge **SYLVIA ASH, AND DAWN SALTA-JIMENEZ**, Judge to derail the law and the Constitution that supports the law. **18 U.S. Code § 371 Conspiracy to commit offense or to defraud United States; 18 U.S. Code §1001 and §14702 False statement; 18 U.S.C. §1503 Relating to obstruction of justice, R.I.C.O. 18 U.S.C. §1951 relating with interference with commerce, robbery, or extortion; 18 U.S. Code §1503- Relating to obstruction of justice, and 18 U.S.C. §471 Relating to counterfeiting.**

Case Number 19542/2011 in New York according to Supreme Court documents failed to follow **CPLR § 304** to start a case with the Summons and Complaint. Not only was a false statement submitted to an official agency of the State of New York, the Supreme Court of Kings County **18 U.S. Code §1001 and §14702 False statements or entry entered, 18 U.S.C. §1511 Relating to obstruction of state and local law enforcement**, but also it is treason against the **United States. 18 U.S. Code § 2381 Treason and 18 U.S. Code § 2384 Seditious conspiracy.**

Instead this case started with a Notice of Claim that only went to the **CITY OF NEW YORK. 18 U.S. Code §1001 and §14702 False statement or entry entered - Making False Statements; 18 U.S.C. §1511 Relating to obstruction of state and local law enforcement; 18 U.S. Code § 225 Continuing financial crimes enterprise and 18 U.S.C. §1952 Relating to Racketeering . BONITA E. ZELMAN, CITY OF NEW YORK, MAYOR BILL deBLASIO, STATE OF NEW YORK, SUPREME COURT OF KINGS COUNTY CLERK'S OFFICE, COURT ADMINISTRATION, SYLVIA ASH, and DAWN JIMINEZ-SALTA.**

One year later after the retainer was signed came next the deposition and **then** the Summons and Complaint. This case was given two judicial decisions three years apart. The first judge is under indictment for Bribery and Wire Fraud (**EXHIBIT M**). It was disposed of - not once, but twice –

1 on the calendar of SUPREME COURT OF KINGS COUNTY according to **EXHIBIT L**.

2 As it turns out, what I have now discovered 4 years later after my case ended in 2016 was
 3 this was no ordinary case. In fact **New York State CPLR §304** states that a Summons and
 4 Complaint starts a case. But in my wife's case, the Notice of Claim ran for 9 pages instead of the
 5 standard two pages began the case on 10/30/2010 then came the deposition five months later on
 6 3/10/2011 then the Summons and Complaint in 8/25/2011. Not only was this disturbing but my first
 7 attorney, BONITA E. ZELMAN took one year after we signed the retainer to start the case. She
 8 should be disbarred. Since 2005, New York State Law has required all attorneys to e-file their
 9 cases **EXHIBIT I** shows this case was never e-filed as there is no record in the efile system of the
 10 New York State Unified Court System, Supreme Court Case Detail. **EXHIBIT J** shows RJI filed
 11 as 1/13/12 and **EXHIBIT K** shows Appearance Detail of the New York State Unified Court System
 12 in the case. **EXHIBIT L** shows online Motion Detail of two different judicial decisions on the
 13 case and dismissed twice for the same case under **New York State Unified Court System**. This
 14 is what makes this case Wire Fraud - 18 U.S.C. §1343 Mail, Wire, and Bank Fraud; 18 U.S.
 15 Code §1001 and §14702 False statement or entry entered - Making False Statements; 18 U.S.C.
 16 §1511 Relating to obstruction of state and local law enforcement; 18 U.S. Code § 225
 17 Continuing financial crimes enterprise and 18 U.S.C. §1952 Relating to Racketeering .
 18 **BONITA E. ZELMAN, CITY OF NEW YORK, MAYOR BILL deBLASIO, STATE OF**
 19 **NEW YORK, SUPREME COURT OF KINGS COUNTY CLERK'S OFFICE, COURT**
 20 **ADMINISTRATION, SYLVIA ASH, and DAWN JIMINEZ-SALTA.**

21 On the Supreme Court calendar the caption was Carmen Rosa Torres vs City of New
 22 York, **EXHIBIT J** where the RJI was filed on 1/13/12 but that did not match the caption in use by
 23 BONITA E. ZELLMAN, nor BURNS & HARRIS, nor the CITY OF NEW YORK which listed
 24 the case as "In the Matter of the Claims of Carmen Rosa Torres as Administratrix of the Estate of
 25 Briana Amarylliss Ojeda, Carmen Rosa Torres, individually and Michael Ojeda, Individually
 26 versus The City of New York, New York City Police Department, Police Commissioner
 27 Raymond Kelly and P.O. Alfonso Mendez"- see Summons & Complaint cover page **EXHIBIT**
 28 **F**. This was supposed to be a civil rights and a wrongful death lawsuit but it turned into a farce

1 because of BONITA E. ZELMAN, who secretly worked for the interests of NEW YORK POLICE
 2 DEPARTMENT (NYPD) and THE CITY OF NEW YORK. **18 U.S.C. §1503 Relating to**
 3 **obstruction of justice, 18 U.S. Code §1001 and §14702 False statement, or entry entered -**
 4 **Making False Statements; 18 U.S.C. §1511 Relating to obstruction of state and local law**
 5 **enforcement; 18 U.S. Code § 225 Continuing financial crimes enterprise and 18 U.S.C. §1952**
 6 **Relating to Racketeering . CITY OF NEW YORK, BONITA E. ZELMAN, STATE OF NEW**
 7 **YORK, COURT ADMINISTRATION, and SUPREME COURT OF KINGS COUNTY**
 8 **CLERK'S OFFICE.**

9 MAYOR BILL de BLASIO, head official of the CITY OF NEW YORK is directly
 10 responsible for what happens under his watch for any and all agencies under his command. For as
 11 a public official who has taken an oath of office, he is responsible not just for receiving a paycheck
 12 but everything that happens under his watch. The corruption and Racketeering Influenced Corrupt
 13 Organization in SUPREME COURT OF KINGS COUNTY CLERK'S OFFICE is directly under
 14 his responsibility. **18 U.S.C. §1952 Relating to Racketeering**

15 The fact that a corruption ring is there to rob innocent Americans of their rights to due
 16 process is robbery in the first degree. Perhaps those billions of dollars are going to MAYOR BILL
 17 de BLASIO's pocket - he already ran for president and probably has vacations in Dubai. He has
 18 plans for the New Nazi Party in New York and America. His real name was changed from Wilhelm
 19 and he is related to the same judge who issued a judicial statement to put jews in concentration
 20 camps to start the killing in Nazi Germany. If you are American, you will stop the nazis before they
 21 take over America and kill more innocent people, like my daughter.

22 The Notice of Claim was the first document from BONITA E. ZELMAN shown in
 23 **EXHIBIT B.** The Note of Issue included second attorney, BURNS & HARRIS as attorneys for
 24 plaintiff **EXHIBIT C** and with Zachary Carter, CORPORATION COUNSEL FOR THE CITY
 25 OF NEW YORK -Note of Issue has this code on it:

1 2010 - 043101

2 SLU - A.DAVID

3 SLU - A.DAVID

4
5 and **EXHIBIT C** has Affidavit of Service for Note of Issue and Statement of Readiness and dated
6 November 21, 2014 and notarized by Judi De Marco of **BURNS & HARRIS** as well as
7 Affirmation in Compliance in **EXHIBIT S**.

8 At no time was justice served for my daughter, Briana. A person is guilty of ***Murder in the***
9 ***Second Degree - Depraved Indifference Murder - Penal Law § 125.25*** (Revised December 12,
10 2006) **Federal law 18 U.S.C. §1111** when under circumstances evincing a depraved indifference
11 to human life, he or she recklessly engages in conduct which creates a grave risk of death to another
12 person, and thereby causes the death of that person. When he or she is aware of and consciously
13 disregards that risk and when that grave and unjustifiable risk is of such nature and degree that
14 disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person
15 would observe in the situation.

16 A person has a depraved indifference to human life when that person has an utter disregard
17 for the value of human life – a willingness to act, not because he or she means to cause grievous
18 harm [to the person who is killed], but because he or she simply does not care whether or not
19 grievous harm will result. In other words, a person who is depraved indifferent is not just willing to
20 take a grossly unreasonable risk to human life - - that person does not care how the risk turns out.

21 In **BLUEFORD v. ARKANSAS**, 2011 Ark. 8, S.W. 3d affirmed SUPREME COURT OF
22 THE UNITED STATES October Term 2011 where the State of Arkansas charged petitioner Alex
23 Blueford with capital murder for the death of a one-year-old child. That charge included the lesser
24 offenses of first-degree murder, manslaughter, and negligent homicide.

25 **Murder in the Second Degree** describes the killing of another human being without
26 premeditation, but **with intent** by POLICE OFFICER MENDEZ. Although POLICE OFFICER
27 MENDEZ proclaimed at the scene of the standoff that, “I do not know CPR and I don’t do CPR”
28 with a smirk on his face, the record clearly shows that he took a police exam on CPR and passed

1 it - an 80 point score shown in **EXHIBIT A-2**. That is a lie among many other lies that MENDEZ
 2 did. New York State 18 U.S.C. §1001 and §14702; 18 U.S.C. §1503 Relating to obstruction of
 3 justice, and 18 U.S.C. §1511 Relating to obstruction of state and local Law enforcement;
 4 Conspiracy to Hide the Truth-18 U.S.C. §1510 Relating to obstruction of criminal
 5 investigation; POLICE OFFICER MENDEZ, NEW YORK POLICE DEPARTMENT,
 6 POLICE BENEVOLENT ASSOCIATION, INTERNAL AFFAIRS BUREAU, MAYOR
 7 BILL DE BLASIO, CITY OF NEW YORK, STATE OF NEW YORK.

8 On the corner of Kane and Henry Street, Brooklyn, NY Police Officer Alfonso Mendez
 9 jumped out of his vehicle - in front of my wife Carmen and yelled, "What the f..*k are you doing?"
 10 Desperate to save her daughter already unable to breathe in an asthma attack and heading to Long
 11 Island College Hospital (LICH) a few blocks away Carmen explained the situation to the Police
 12 Officer hoping he would help by giving her daughter CPR. Instead POLICE OFFICER MENDEZ
 13 said, "Call 9-11!" "Because I do not do CPR." Carmen stated, "You are 9-11! Daughter Briana
 14 took the nebulizer spray out of her mouth when she saw POLICE OFFICER MENDEZ yelling at
 15 her mother. With close to her last breath of air, she yelled, "mommy". That is when a Good
 16 Samaritan bystander named Scott Volloches jumped into Carmen's car and held Briana when he
 17 told Carmen to drive on to Long Island College Hospital (LICH). Briana was pronounced dead at
 18 6:55 PM.

19 POLICE OFFICER MENDEZ followed from behind for two blocks and when he saw
 20 Carmen pulling into the Hospital Emergency Area, he drove off.

21 INTERNAL AFFAIRS OF NEW YORK CITY POLICE DEPARTMENT, 84th
 22 Precinct found POLICE OFFICER ALFONSO MENDEZ as having his head shaved, he hid for
 23 three days, and failed to report to the 84th Precinct. He was tracked down by his credit card gas
 24 receipt. Additionally, POLICE OFFICER MENDEZ made no report nor did he inform his
 25 superior officer, as required by law that he was responsible for 2nd degree murder. POLICE
 26 OFFICER ALFONSO MENDEZ, BADGE #7899, NEW YORK POLICE DEPARTMENT
 27 (NYPD), INTERNAL AFFAIRS BUREAU, POLICE BENEVOLENT ASSOCIATION,
 28 MAYOR BILL de BLASIO, CITY OF NEW YORK, STATE OF NEW YORK, 18 U.S.C.

1 **§1510 Relating to obstruction of criminal investigation and 18 U.S.C. §1511-Relating to**
 2 **obstruction of state and local Law enforcement, 46 U.S. Code § 30509 Intentional Infliction of**
 3 **Emotional Distress, 18 U.S. Code §1001 and §14702 False statement or entry entered, 18 U.S.C.**
 4 **§ 1963 R.I.C.O. Civil Remedies, and 18 U.S.C. §1503-Relating to obstruction of justice.**

5 He was never punished for his negligence of his failure to give CPR to my dying child by
 6 his failure to perform his duties that he was hired to do. CPR, which is an emergency procedure that
 7 combines chest compressions often with artificial ventilation in an effort to manually preserve intact
 8 brain function until further measures are taken to restore spontaneous blood circulation and
 9 breathing in a person who is unresponsive with no breathing or abnormal breathing.

10 POLICE OFFICER MENDEZ, whose picture is in **EXHIBIT A-1** stated that he, “did not
 11 know CPR nor was he required to” and was unable to help Briana while she was in an asthma
 12 attack on August 27, 2010. She died because of his negligence and refusal to do his duty to protect
 13 the public and give aid to a person in distress. Instead of helping, he tried to give my wife a traffic
 14 ticket while our daughter had her last breath and cried, “Mommy”. ***Murder in the Second Degree,***
 15 ***46 U.S. Code § 30509 Intentional Infliction of Emotional Distress.***

16 He disgraced his badge, #7899 of the 84th Precinct of Brooklyn, New York Police
 17 Department [NYPD]. Although in the police document regarding his training, shown in **EXHIBIT**
 18 **A-2** states that POLICE OFFICER MENDEZ scored 80 points on CPR testing. That means that
 19 not only did he lie to Carmen to cover up this fact but also the NEW YORK POLICE
 20 DEPARTMENT, INTERNAL AFFAIRS BUREAU, CITY OF NEW YORK, STATE OF NEW
 21 YORK and a list of others did conspire to withhold this information. For CPR is required in order to
 22 be licensed to be a Police Officer, Public Servant to the people, and Officer of the Court.

23 POLICE OFFICER ALFONSO MENDEZ absolutely refused to be of any help
 24 whatsoever. If he had done his job, my daughter would still be alive today and would have been in
 25 college excelling, as she was a gifted child. What comes to my mind is how did this Police Officer
 26 get to work on the street and be next to the public if he were not licensed to know CPR? Who’s in
 27 charge of licensing officers that fail their exams? For one, the NYPD; secondly, POLICE
 28 BENEVOLENT ASSOCIATION; third, MAYOR BILL de BLASIO; fourth, CITY OF NEW

1 YORK, and fifth - STATE OF NEW YORK are the parties responsible for endangering minors in
2 New York City for the Police Department's Negligence.

3 The parties responsible for the Second Degree Murder and all the charges on POLICE
4 OFFICER ALFONSO MENDEZ including negligence are: NEW YORK POLICE
5 DEPARTMENT (NYPD), INTERNAL AFFAIRS BUREAU, POLICE BENEVOLENT
6 ASSOCIATION, MAYOR BILL de BLASIO, CITY OF NEW YORK, AND STATE OF NEW
7 YORK.

8 While INTERNAL AFFAIRS BUREAU wrote my wife, Carmen a letter, shown as
9 **EXHIBIT A-4** they did not provide a thorough investigation but chose to investigate the hospital
10 records of my deceased daughter.

11 My attorney BONITA ZELMAN did conspire with NYPD, CITY OF NEW YORK,
12 SUPREME COURT OF KINGS COUNTY CLERK'S OFFICE, COURT ADMINISTRATION,
13 MAYOR BILL de BLASIO, AND STATE OF NEW YORK.

14 FELIX ORTIZ whose office is already under FBI investigation and his aide, MITU
15 MARUF aka MARUF ALAM is getting indicted for stealing \$80,000 from campaign funds did
16 conspire (**EXHIBIT R**) to hide the truth from me that CPR is already a requirement of the NEW
17 YORK POLICE DEPARTMENT (NYPD) in New York City.

18 Not only did POLICE OFFICER MENDEZ fail to do the right thing in CPR, he also refused
19 to call it into his Police radio and follow Police Manual protocol by writing a report on the incident
20 that caused a death and contact his superior. I only found out from The Daily News at the time that
21 POLICE OFFICER MENDEZ shaved his head and failed to report to work for some time after the
22 death of my daughter.

23 When he did report to INTERNAL AFFAIRS BUREAU, there was a great cover-up with
24 the conspiracy of my attorney **BONITA ZELMAN** who was supposed to represent my wife's
25 interest but instead served the interests of the CITY OF NEW YORK and NYPD and the court
26 system by not writing the Summons and Complaint until one year later after the retainer was
27 signed. An action sure to disbar her from ever practicing law again. She should go to jail. After the
28 first document - Notice of Claim went to the Controller, legal department, and Police Department

1 Commissioner Ray Kelly of the CITY OF NEW YORK, the deposition occurred - prior to entering
 2 into kangaroo court. *Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §1961, 18*
 3 *U.S.C. §471 Relating to counterfeiting, 18 U.S. Code §1001 and §14702 False statement or entry*
 4 *entered - Making False Statements; and 18 U.S.C. §1503 Relating to obstruction of justice.*

5 **CLARK PENA** approached Carmen and myself at the vigil of Junior Lassandro in the
 6 Bronx. He introduced himself as a retired detective and started introducing us to different police
 7 officers who knew him. We told him we wanted to go national with Briana's Law which would
 8 require police officers to be retrained in CPR every two years and because over 7,000 lives were
 9 saved in creating Briana's Law. We wanted to start BRIANA LIVES FOUNDATION.

10 **CLARK PENA** introduced us to **ZAKI ISSAC B. TAMIR**, attorney of Tamir Group
 11 Consulting LLC, formerly Tamir Law Group, P.C. to form BRIANA LIVES FOUNDATION and
 12 also to look at our case that had ended.

13 **ZAKI ISSAC B. TAMIR** did the service of purchasing our company called, BRIANA
 14 LIVES FOUNDATION INC. but made himself the CEO. He put **CLARK PENA** as Director of
 15 our corporation, hijacking our company based on our daughter. He used his address formerly listed
 16 as Tamir Law Group, P.C. at 80 Broad Street, Suite 1302, New York, NY 10004 - see **EXHIBIT U.**
 17 *18 U.S.C. §1503 Relating to obstruction of justice and 18 U.S.C. § 1341, 18 U.S. Code § 1343*
 18 *Fraud by wire, radio, or television, 18 U.S. Code § 1346 Scheme or artifice to Defraud includes*
 19 *a scheme or artifice to deprive another of the intangible right of honest services. The offenses*
 20 *included in the category of fraud, by contrast, involve a "scheme or artifice" to convince someone*
 21 *to give something of value based on false statements or false pretenses.*

22 To this day **ZAKI ISSAC B. TAMIR** still owns the corporation because New York State
 23 Corporation Search in **EXHIBIT V** lists **BRIANA LIVES FOUNDATION INC.** as having the
 24 address of 80 Broad Street, Suite 1302, New York, NY 10004 the same as is shown in **EXHIBIT U**
 25 of the Corporation Papers as **ZAKI ISSAC B. TAMIR**.

26 As you can see in **EXHIBIT W**, TGC (Tamir Group Consulting) contacted Ms. Alison R.
 27 Keenan, attorney for BURNS & HARRIS to find out the nature of the case and status of appeal only
 28 to find that BURNS & HARRIS never filed an appeal because of "...an appeal would not be

1 successful given the very technical nature of the requirements to prove liability because Briana's
2 Law was not in effect." Additionally, Ms. Keenan of Burns & Harris stated, "it would be hard to
3 bring liability against a municipality for the actions of an individual..."

4 It was ZELMAN who first brought politicians FELIX ORTIZ and his assistant MITU
5 MARUF aka MARUF ALAM, and other politicians to my daughter's wake. ZELMAN made this
6 a very public event by addressing the news in front of the funeral parlor.

7 After she took our case, ZELMAN told us to focus - not on the legal case that she represented
8 my wife in - but on the political aspect of the case of changing the law into "Briana's Law" requiring
9 Police Officers to re-learn CPR every two years.

10 We immersed ourselves in political ways in order to get "Briana's Law" enacted. We
11 personally campaigned on it for seven years in Albany with FELIX ORTIZ and on August 27, 2017
12 according to the New York State Assembly Citation signed by became "Briana's Law", Senate
13 Proclamation for Briana's Law signed by Jesse Hamilton III honoring the first year anniversary of the
14 passing of Briana's Law; honoring August 27, 2018 as Briana's Law Day, changing of street name
15 Briana Ojeda Way in Brooklyn through the New York City Council - all honoring our daughter,
16 Briana (**EXHIBIT X**). We achieved **our goals**. And while we were working hard to have the law
17 changed to Briana's Law, we were seeing a lot of FELIX ORTIZ and his assistant, MITU MARUF
18 aka MARUF ALAM or MITU.

19 MITU MARUF aka MARUF ALAM or Mitu, is out on bond for embezzlement of campaign
20 funds shown in **EXHIBIT R**.

21 Proper CPR training would save lives. What Assemblyman FELIX ORTIZ and MITU
22 MARUF aka MARUF ALAM did was to encourage Carmen and I to put money to advance Briana's
23 Law in the Senate and House of New York State by paying for posters advertising Briana's Law
24 (**EXHIBIT X-4**). Both Carmen and myself spent a lot of time with FELIX ORTIZ because we
25 wanted to pass Briana's Law. 18 U.S. Code § 1581 Peonage; obstructing enforcement.

26
27 FELIX ORTIZ did the following:
28

- 1 1. Encouraged me to spend a lot of money on posters to advertise Briana's Law (see
2 EXHIBIT X-4).
- 3
- 4 2. Arranged for us to go with MITU MARUF to Eric Garner's vigil to speak with the
5 Garners but they were with politician Al Sharpton. Eric Garner was a high profile case
6 killed by a New York Police Officer choke-hold.
- 7
- 8 3 In 2010, had me give his SUV car a free tune-up, oil change, and grease the
9 suspension then gave me a dollar telling me we were helping each other. He said,
10 "That's how it works". 18 U.S. Code § 1581. Peonage; obstructing enforcement.
- 11
- 12 4. In 2011, brought me his son's vehicle to fix his car that had been in an accident and
13 didn't pay me for labor and supplies to paint the vehicle after I fixed it. 18 U.S. Code
14 § 1581 Peonage; obstructing enforcement.
- 15
- 16 5. Had us make signs to protest.
- 17
- 18 6. Rented a personal bus to bring 200 people with food to Albany to promote Briana's
19 Law.
- 20
- 21 7. Had us pay seven years of hotels, food, gas, clothing, and time, in Albany - cost the
22 Ojeda family approximately thousands of dollars.
- 23

24 What is strange is that I remember the very first time I saw Assembly Member FELIX
25 ORTIZ was at Long Island College Hospital (LICH) approximately one half hour after my daughter
26 died at 7:30 PM. My daughter died at 6:55 PM. I didn't know at the time who ORTIZ was. Only at
27 my daughter's wake did he introduce himself as FELIX ORTIZ along with his assistant MITU
28 MARUF and attorney, BONITA ZELMAN.

1 I found out many years later that FELIX ORTIZ created a law called Lauren's Law where
2 body organs could be removed to evade the proper procedures, signed by Governor Cuomo.

3 Just as negligence lawyers are known as ambulance chasers, it is not uncommon for hospitals
4 to call attorneys or in this case, someone looking for an unregistered heart when someone dies.

5 I thought it was odd that Assembly Member FELIX ORTIZ was at the hospital where my
6 daughter died, but I only found out after the fact that his son had needed a heart transplant and he
7 started a bill called Lauren's Law that when people die their body parts can be removed without
8 permission from the family - that seems wrong, illegal, and against the Constitution of America. Yet
9 he passed a bill to remove body parts of people without their family's permission. Honorable judge,
10 We feel he may have taken our daughter's organs without my nor my wife's permission. We want to
11 see if he took our baby's organs or not to prove that it is true or not so we can put it to rest ten years
12 after she died. We want to exhume our daughter's body. Honorable Judge, if you are a parent you
13 would know the anguish of having your daughter's body parts stolen without consent and without
14 permission. It is robbery and kidnaping at the highest level all rolled into one. Please grant me this
15 request. 42 U.S. Code §274 Prohibition of Paid for Body Organs.

16 Equally strange is the fact that both **ZAKI ISSAC B. TAMIR** and **CLARK PENA** are
17 exchanging remarks about "having a good heart" in **EXHIBIT Y**. Do they know something about
18 what **FELIX ORTIZ** did? It is odd.

19 **MITU MARUF**, assistant to **FELIX ORTIZ** that was charged with \$80,000
20 embezzlement charges, provided me an audio recording **EXHIBIT Z** attached in a USB chip
21 telling me that FELIX ORTIZ committed the crime of stealing \$80,000 from campaign funds but
22 MITU took the rap instead. MITU also told me that FELIX ORTIZ's son had a heart transplant at
23 the same time as when my daughter died.

24 MITU attempted to send me to jail by asking me to bribe Judge Ann Donnelly in Eastern
25 District of New York so that he could get a lesser charge. *18 U.S. Code § 201, 18 U.S. Code § 1957*
26 *Engaging in monetary transactions in property derived from specified unlawful activity, and 18*
27 *U.S.C. §1503 Relating to obstruction of justice, 18 U.S. Code § 225 Continuing financial crimes*
28 *enterprise; 18 U.S. Code § False statement or entry entered - Making False Statements; 18 U.S.*

1 **Code CHAPTER 25—COUNTERFEITING AND FORGERY, 18 U.S.C. §1952 Relating to**
 2 **Racketeering..**

3 While INTERNAL AFFAIRS BUREAU provided me paperwork promising me justice,
 4 the only investigation into POLICE OFFICER MENDEZ's wrongdoing was that he did take a
 5 CPR test and scored 80 points (**EXHIBIT A- 2**).

6 However, the official misconduct into **POLICE OFFICER MENDEZ** resulted in training
 7 documents (stated in the document **EXHIBIT G** for the Monell Claim - personnel training and
 8 disciplinary only). Instead the **INTERNAL AFFAIRS BUREAU** researched the hospital records
 9 of Briana; not an investigation into the actual wrongdoing and events that caused the death of our
 10 daughter. **POLICE OFFICER MENDEZ** and his role in Murder 2nd degree and Racketeering
 11 Influenced Corruption Organization (RICO) conspiracy with those defendants listed in this
 12 complaint.

13 What I did find out was that **FELIX ORTIZ** and GOVERNOR CUOMO lied to me.
 14 Briana's Law was supposed to demand that **NEW YORK CITY AND NEW YORK STATE**
 15 Police Officers get CPR training every two years. But what **EXHIBIT A-2** states is that they HAVE
 16 CPR Training ALREADY in place.

17 My wife, son, and I live a life sentence that replays every time we wake up, like Groundhog
 18 Day. All the while my wife and I pushed a bill that took seven years [from 2010 to 2017] to pass
 19 Briana's Law Sect A.2115-B that trains Police Officers in CPR to try to save lives and bridge the gap
 20 between NYPD and its community. Just to get blind sided by the same people that tricked us into
 21 trusting them that we would get justice.

22 As a parent to another parent, please find it in yourself to hear the case so you can see the
 23 criminal acts that they have all played on the death of our baby girl.

24 **BONITA ZELMAN, ESQ.** had run our case into the ground (**EXHIBIT K**) and failed to
 25 get CITY OF NEW YORK to produce any documents in discovery - they were appearances but no
 26 guilt was established and no case. Even with SYLVIA ASH's decision, who was later indicted,
 27 ending the case in 2013 (**EXHIBIT N**), it was again brought-back- to-life on the calendar with
 28 **SETH HARRIS, ESQ. of BURNS & HARRIS** as our second attorney in Supreme Court of Kings

1 County with Judge Salta-Jimenez as if it were a fresh from the start case. Three (3) years later in
 2 2016, SALTA-JIMINEZ gave her decision (**EXHIBIT P**). This was done in order to deceive my
 3 wife and I that something was happening when all this counterfeit case and R.I.C.O. was occurring
 4 in an official New York State agency of the SUPREME COURT OF KINGS COUNTY
 5 CLERK'S OFFICE - represented by COURT ADMINISTRATION.

6 What the **NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS** did was
 7 when I started the civil rights and wrongful death case against **CITY OF NEW YORK** was they
 8 removed me from the DARP program run by the **CITY OF NEW YORK**. They said, "Since I like
 9 to sue the City, he will close me down". After that point, he removed me off of the DARP program,
 10 which led to my business dropping more than 50% and eventually closing my business down. **NEW**
 11 **YORK CITY DEPARTMENT OF CONSUMER AFFAIRS** told me I owed them \$5,000 for
 12 charges of a "missing business sign" during Hurricane Sandy time in 2012. When I asked to appeal
 13 the case, I was told to pay another \$5,000. Then I was given criminal charges stating that my business
 14 location was unoccupied. But when I showed proof of the lease, the light bill, and the owner that I
 15 was leasing from, I was told to pay \$5,000 for an appeal. Then the **DEPARTMENT OF**
 16 **CONSUMER AFFAIRS** said they would not refund me the \$5,000. *14th Amendment, Due*
 17 *Process, 18 U.S. Code § False statement or entry entered - Making False Statements, and 18*
 18 *U.S.C. §1961 Racketeer Influenced and Corrupt Organizations Act.*

19 My wife and I both suffer from nervous disorders and insomnia that requires medical help
 20 due to the events of this case caused by lawyers **BONITA ZELMAN, SETH HARRIS of BURNS**
 21 **& HARRIS**, along with defendants including **POLICE OFFICER ALFONSO MENDEZ,**
 22 **NEW YORK POLICE DEPARTMENT (NYPD), INTERNAL AFFAIRS BUREAU,**
 23 **POLICE BENEVOLENT ASSOCIATION, MAYOR BILL De BLASIO, CITY OF NEW**
 24 **YORK, STATE OF NEW YORK, ZAKI ISSAC TAMIR, ESQ., CLARK PENA, SYLVIA**
 25 **ASH, ARRESTED EX-JUDGE, DAWN JIMENEZ-SALTA, JUDGE, SUPREME COURT**
 26 **OF KINGS COUNTY CLERK'S OFFICE, COURT ADMINISTRATION, FELIX W.**
 27 **ORTIZ, ASSEMBLY MEMBER, MITU MARUF aka MARUF ALAM and NEW YORK**
 28 **CITY DEPARTMENT OF CONSUMERS AFFAIRS** deceiving both of us. Carmen's medical

1 reports are shown on **EXHIBIT T-1** and my medical reports are attached as **EXHIBIT T-2** exposing
 2 both of us to infliction of emotional distress, *46 U.S. Code § 30509*.

3 Briana was selected to represent the New York State Diocese as an ambassador for people to
 4 people and was getting ready to go to Australia. Briana was also an honor-roll student, Barbizon
 5 model, and school mentor who donated her time to tutor other children. A scholarship exists under
 6 her name for less fortunate children in St. Francis Xavier. Briana received her diploma because she
 7 already had enough credit for her to graduate after her death.

8 I finally received my case file and read it to find out we were hoodwinked by New York
 9 officials from top to bottom from all the defendants.

10 I turned my daughter's death into a life-saving law that has helped officers to save lives and
 11 the gift of life to the people of State of New York. And still we are pushing for it to go national
 12 because every American should have a chance to live. Please give justice to Briana and family.

13
 14 **RELIEF:**

15
 16 **POLICE OFFICER ALFONSO MENDEZ**

17
 18 **AND AS FOR A FIRST CAUSE OF ACTION:** Murder in the Second Degree

19 **POLICE OFFICER ALFONSO MENDEZ** was never punished for his negligence of his
 20 failure to give CPR to my dying child caused by his failure to perform the duty of care and duties that
 21 he was hired to do as a Peace Officer. Police Officer Alfonso Mendez was negligent in his duties,
 22 was found as having his head shaved while MENDEZ hid for three days. He failed to report to the
 23 84th Precinct and was only tracked down by his gas receipt by credit card. Additionally, POLICE
 24 OFFICER MENDEZ made no report nor did he inform his superior officer, as required by law that
 25 he was responsible for 2nd degree murder. Plaintiffs want the death penalty and \$1.5 Million.
 26 Located on Page 20, line 28 Page 21 line 1-4.

27
 28 **AND AS FOR A SECOND CAUSE OF ACTION:**

1 18 U.S. Code § 1957 Engaging in monetary transactions in property derived from specified
2 unlawful.

3 Page 6, line 16-22

4 Request \$1.5 Million

5
6 **AND AS FOR A THIRD CAUSE OF ACTION**

7 18 U.S.C. §1511 Relating to obstruction of state and local Law enforcement

8 Page 6, line 16-22 and Page 13 line 9

9 Request \$1.5 Million

10
11 **AND AS FOR A FOURTH CAUSE OF ACTION**

12 18 U.S.C. §1510 Relating to obstruction of criminal investigation

13 Page 19, line 3-4

14 Request \$1.5 Million

15
16 **AND AS FOR A FIFTH CAUSE OF ACTION**

17 18 U.S.C. §1511-Relating to obstruction of state and local Law enforcement.

18 Page 6 line 16-22 and Page 13 line 9

19 Request \$1.5 Million

20
21 **AND AS FOR A SIXTH CAUSE OF ACTION**

22 18 U.S. Code §1001 and §14702 False statement

23 Page 6 line 16-22

24 Request \$1.5 Million

25
26 **AND AS FOR A SEVENTH CAUSE OF ACTION**

27 46 U.S. Code § 30509 Intentional Infliction of Emotional Distress

28 Page 6 line 16-22 and Page 20, line 1-2

Request \$1.5 Million

AND AS FOR A EIGHTH CAUSE OF ACTION

18 U.S. Code § 2384 Seditious conspiracy
Page 14 line 3-6 and Page 11, line15 Request \$1.5 Million

AND AS FOR A NINTH CAUSE OF ACTION

Federal Negligence -*United States v. Carroll Towing*
Page 5 line 24
Request \$1.5 Million

AND AS FOR A TENTH CAUSE OF ACTION

18 U.S.C. §1503 Relating to obstruction of justice
Page 6, line 16-22
Request \$1.5 Million

NEW YORK POLICE DEPARTMENT (NYPD)

AND AS FOR A FIRST CAUSE OF ACTION

Federal Negligence -*United States v. Carroll Towing*
Page 5 line 24
Request \$1.5 Million

AND AS FOR A SECOND CAUSE OF ACTION:

18 U.S. Code § 1957 Engaging in monetary transactions in property derived from specified
unlawful.

Page 6, line 16-22

Request \$1.5 Million

AND AS FOR A THIRD CAUSE OF ACTION

18 U.S.C. §1511 Relating to obstruction of state and local Law enforcement

Page 6, line 16-22 and Page 13 line 9

Request \$1.5 Million

AND AS FOR A FOURTH CAUSE OF ACTION

18 U.S.C. §1510 Relating to obstruction of criminal investigation

Page 19, line 3-4

Request \$1.5 Million

AND AS FOR A FIFTH CAUSE OF ACTION

18 U.S. Code §1001 and §14702 False statement

Page 6 line 16-22

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46 U.S. Code § 30509 Intentional Infliction of Emotional Distress

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1 18 U.S.C. §1503 Relating to obstruction of justice

2 Page 6, line 16-22

3 Request \$1.5 Million

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6 **INTERNAL AFFAIRS BUREAU**

7
8 **AND AS FOR A FIRST CAUSE OF ACTION**

9 Federal Negligence -*United States v. Carroll Towing*

10 Page 5 line 24

11 Request \$1.5 Million

12
13 **AND AS FOR A SECOND CAUSE OF ACTION:**

14 18 U.S. Code § 1957 Engaging in monetary transactions in property derived from specified
15 unlawful.

16 Page 6, line 16-22

17 Request \$1.5 Million

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19
20 **AND AS FOR A THIRD CAUSE OF ACTION**

21 18 U.S.C. §1511 Relating to obstruction of state and local Law enforcement

22 Page 6, line 16-22 and Page 13 line 9

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27 Page 19, line 3-4

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POLICE BENEVOLENT ASSOCIATION

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9 Page 6, line 16-22

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13 **MAYOR BILL DE BLASIO**

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15 **AND AS FOR A FIRST CAUSE OF ACTION**

16 14th Amendment- Due Process

17 Page 7, Line 3-5

18 Request \$1.5 Million

19
20 **AND AS FOR A SECOND CAUSE OF ACTION:**

21 18 U.S.C. §1961 Racketeer Influenced and Corrupt Organizations Act

22 Page 10, line 28

23 Request \$1.5 Million

24
25 **AND AS FOR A THIRD CAUSE OF ACTION**

26 18 U.S. Code § 2381 Treason

27 Page 8 Line 3, Page 10 Line 10-11, Page 14 line 3-6, 12-15; Page 14 line 3-6, 11-15

28 Request \$1.5 Million

AND AS FOR A FOURTH CAUSE OF ACTION

18 U.S.C. §1951 relating with interference with commerce, robbery, or extortion

Page 9 line 28 and Page 10, line 1

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AND AS FOR A FIFTH CAUSE OF ACTION

18 U.S.C. §471 Relating to counterfeiting

Page 8 line 17, Page 15 line 1-3

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46 U.S. Code § 30509 Intentional Infliction of Emotional Distress

Page 5 line 24

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AND AS FOR A SEVENTH CAUSE OF ACTION

18 U.S. Code § 1343 Fraud by wire, radio, or television

Page 9 line 27-28, Page 15 line 1-3

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AND AS FOR A EIGHTH CAUSE OF ACTION

18 U.S.C. §1503 Relating to obstruction of justice

Page 8 line 17, Page 10 line 10-11, Page 15 line 1-3

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AND AS FOR A NINTH CAUSE OF ACTION

18 U.S. Code § 1346 Scheme or artifice to Defraud” includes a scheme or

artifice to deprive another of the intangible right of honest services.

Page 6 line 16-22

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CITY OF NEW YORK

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14th Amendment- Due Process

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